

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

**SANDY JO BATTISTA,**

**Plaintiff,**

**v.**

**C. A. No. 05-11456-DPW**

**KATHLEEN M. DENNEHY, et al.,**

**Defendants.**

**CERTIFICATE OF CONSULTATION PURSUANT TO L. R. 7.1(A)(2)**

I, Richard C. McFarland, counsel for defendants, hereby certify that prior to filing the Motion of Defendants Harold W. Clarke, Kathleen M. Dennehy, Robert Murphy, Terre K. Marshall, and Susan J. Martin for Partial Dismissal of the First Amended Complaint, I conferred with counsel for the plaintiff, Emily Smith-Lee, on January 28, 2008 in a good faith attempt to narrow the issues raised in plaintiff's amended complaint. In particular, I requested that plaintiff voluntarily dismiss the claims raised under counts III - IX, where the facts alleged in the complaint do not state a claim upon which the relief requested can be granted. Counsel were unable to resolve the issues in dispute.

Dated: January 28, 2008

/s/ Richard C. McFarland  
Richard C. McFarland